

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STEVEN STANDIFER,

8:12CV176

Plaintiff,

V.

# MEMORANDUM AND ORDER

BROADMOOR DEVELOPMENT,  
Inc.,

Defendant.

This matter is before the court on Plaintiff’s Request to Enter Default and Default Judgment. (Filing No. [16](#).) Plaintiff requests that the court enter default judgment against Defendant because Defendant “failed to answer, plead or otherwise defend [his] complaint as directed.” (*Id.*) Defendant filed an Objection to Plaintiff’s request, noting that it received summons and the *original* Complaint, rather than the Amended Complaint, on October 11, 2012. (Filing No. [19](#).) Rather than object to service, Defendant filed its Answer on October 30, 2012. (*Id.*; Filing No. [15](#).)

Indeed, the court's records show that the United States Marshal served Defendant by certified mail on October 11, 2012. (Filing No. [14](#).) Thus, in accordance with Federal Rule of Civil Procedure 12, Defendant had 21 days, or until November 1, 2012, in which to file its Answer. [Fed. R. Civ. P. 12\(a\)](#). Defendant met this deadline and, as such, default judgment is not warranted.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Request to Enter Default and Default Judgment (filing no. [16](#)) is denied. Defendant's Objection (filing no. [19](#)) to Plaintiff's request is granted.

2. A separate progression order will be entered progressing this matter to final disposition.

DATED this 13th day of November, 2012.

BY THE COURT:

*s/ John M. Gerrard*  
United States District Judge

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